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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/765,051	01/28/2004	Malte Kumkar	15540-020US1 / 25 216 RK/	9616
26171	7590	12/18/2006	EXAMINER	
FISH & RICHARDSON P.C. P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			VAN ROY, TOD THOMAS	
			ART UNIT	PAPER NUMBER
			2828	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		12/18/2006	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/765,051 Examiner <i>[Signature]</i> Tod T. Van Roy	KUMKAR ET AL. Art Unit 2828

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 21 September 2006.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,5 and 7-15 is/are rejected.
- 7) Claim(s) 2-4 and 6 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 08/18/2006 has been entered.

### ***Response to Amendment***

The examiner acknowledges the amending of claim 1, 4, 9, and 13-15.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1, 5, 7, 11-12 and 13-15 are rejected under 35 U.S.C. 103(a) as being anticipated by Tidwell (WO 93/23899, applicant submitted art) in view of Ireland (US 5048044).

With respect to claims 1, 5 and 11, Tidwell teaches an apparatus for optically pumping a laser-active solid body with pumping light coupled into the solid body through only an end surface of the solid body (fig.1), the apparatus comprising: a laser-active solid body (fig.1 #4) including an end surface through which pumping light is coupled into the solid body (fig.1 #4 left side) and a lateral surface through which pumping light reflects from the solid body (fig.1 #4, top and bottom lateral surfaces to coating); a reflector surrounding the laser-active solid body at a distance from the lateral surface of the solid body for reflecting light that exists the solid body back towards the solid body (pg.5 lines 1-14, coating), and that the surface is diffusive. Tidwell does not teach the reflector to be spaced from the solid body to form an annular gap. Ireland teaches a pumped solid state medium wherein a diffusive reflective surface is spaced from the solid state body (fig.13) forming a gap. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the diffusive reflective surface of Tidwell with the spaced apart diffusive reflective surface of Ireland in order to form a gap to allow for the insertion of a cooling medium (Ireland, col.6 lines 56-60).

With respect to claim 7, Tidwell and Ireland teach the lateral surface of the solid body has a mirror like smooth surface (when diffusive surface is spaced from the solid body the surface is left smooth, Ireland fig.13).

With respect to claims 12, Tidwell and Ireland teach the apparatus outlined in the rejection to claim 1, including the cooling medium to be water (Ireland, col.6 lines 56-60, index of the medium close to water, col.4 lines 35-37).

With respect to claims 13-15, Tidwell and Ireland teach the apparatus including all of the limitations in claim 1, but do not teach the amount of light which is diffused. It would have been obvious to one of ordinary skill in the art at the time of the invention to choose the amount of diffused light to be 3, 20, or 40 percent as it has been found to be not inventive to discover the optimum, or working, range by routine experimentation (see MPEP 2144.05 II A - In re Aller, 220 F.2d 454, 456, 105 USPQ 233, 235 (CCPA 1955)).

Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tidwell in view of Ireland and Honea et al. (US 2002/0118718).

With respect to claim 8, Tidwell and Ireland teach the apparatus as described in the rejection to claim 1, including a medium disposed on the outside of the lateral surface (Tidwell, pg.4 lines 28-30), but do not teach the medium to be of a higher refractive index. Honea teaches a solid state pumping apparatus that uses a medium of high refractive index ([0006]). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the apparatus of Tidwell and Ireland with the index difference of Honea in order to suppress parasitic oscillations in the active media (Honea, [0006]).

With respect to claim 9, Tidwell, Ireland and Honea teach the apparatus as outlined in the rejection to claim 8, and Tidwell further teaches the medium to be disposed in the form of a layer on the lateral surface (fig.1).

With respect to claim 10, Tidwell, Ireland and Honea teach the apparatus as outlined in the rejection to claim 8, and Ireland further teaches the reflector has a surface that diffusely reflects exiting pumping light (see claim 1).

#### ***Allowable Subject Matter***

Claims 2-4 and 6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Claim 2 is believed to be allowable as an end pumped laser apparatus having a diffusive lateral surface and a spaced apart annular reflector was not found to be taught in the prior art. The combination of Tidwell with Ireland was found to teach separating the diffusive element from the lateral surface and applying it to a spaced reflector. These references were not found to teach or motivate an end pumped laser to have both the lateral surface and the reflector be diffusive; additionally, no references taught the lateral surface to be diffusive and a spaced apart reflector to be present.

Claims 3-4 are allowable as they depend from claim 2.

Claim 6 is allowable based on the fact that an end pumped laser system with a reflector spaced from the active media via an annular gap, having both the lateral surface and the reflective surface being diffusive was not found to be taught in the prior art, or an obvious combination of the prior art. Namely, it was not found to be obvious to prepare not only the reflector or the lateral surface, but instead to coat both surfaces to provide the diffusive light to the active media.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tod T. Van Roy whose telephone number is (571)272-8447. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Minsun Harvey can be reached on (571)272-1835. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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MIN SUN OH HARVEY  
PRIMARY EXAMINER